

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



December 9, 2005

ALL COUNTY INFORMATION NOTICE NO. I-76-05

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
☐ Federal Law or Regulation Change
☐ Court Order
☐ Clarification Requested by
One or More Counties
☒ Initiated by CDSS

SUBJECT: **HURRICANE KATRINA EVACUEES LIVING IN CALIFORNIA**

The purpose of this All County Information Letter (ACIN) is to request that counties continue to gather and report to the California Department of Social Services, data on foster care evacuees displaced by Hurricane Katrina who have relocated to California, and to document, in Child Welfare Services Services/Case Management System (CWS/CMS), children who have relocated to California as a result of the Katrina disaster, that come to the attention of Child Welfare Services.

The US Department of Health and Human Services, Administration for Children and Families (ACF) has requested that we provide them with information on the number of foster care evacuees in California that we do not have custody over from the states of:

- Louisiana
- Mississippi
- Alabama

These are foster care children who evacuated with a foster parent or guardian who are being hosted by California. If they have not been in contact with their home state's social service agency to ensure receipt of their subsidy and board payments, they should be assisted in doing so.

Interstate Compact on the Placement of Children (ICPC)

If a county CWS agency becomes aware that a child they are providing services to is already a dependent of one of the affected Gulf States then they are to make every effort to verify that dependency. Each of the effected states has established a toll free phone number for foster parents and relative caregivers to use for the purposes of identifying their current locations. The state contact numbers are:

Louisiana: 1-800-259-3428
Texas: 1-800-233-3405
Mississippi: 1-800-821-9157
Alabama: no number provided

Requirements for compliance with the ICPC may differ on a case by case basis. Depending on the circumstances of the family entering the state this may or may not include the need to have the gulf state initiate the ICPC homestudy request. As such, we are requesting that county CWS agencies contact the Out-of-State Placment Policy Unit (OSPPU) for assistance with the ICPC requirements when they become aware that there is a dependent child within their jurisdiction. You can contact the Officer of the Day in the OSPPU at (916) 651-8100.

CWS/CMS

Children who have relocated to California as a result of the Katrina disaster that come to the attention of Child Welfare Services should be documented in CWS/CMS. For this purpose, two new Special Project Codes will be available in the system for all counties to utilize. County workers shall utilize the appropriate codes listed below and record them on the Special Project Page in the "REFERRAL" intake section.

Court Dependent Children Evacuated to California

The first code will be for minors who are dependents of counties or parishes in their states of residence. This first category of minors should be entered into the system as children who have been sent via the ICPC process even though no formal ICPC request is yet initiated. For CWS/CMS purposes, this uses the process steps called "Creating a case in CWS/CMS without a referral, which involves selecting "Incoming ICPC Request" reason as the intervention type.

S-Intrste Evacuees-OS Depndnt

This minor has been identified as an out of state (OS) resident who has relocated to California because of a natural disaster. The minor is also a Juvenile Court dependent in another state.

Evacuated Non-dependent Children Who Are Referred to CWS for Services

The second special project code will be for minors who are evacuees and are referred to CWS for allegations of abuse and/or neglect after coming to California.

S-Intrste Evacuees-CA Services

This minor has been identified as an out-of-state resident who has relocated to California because of a natural disaster. After relocating to our state, this minor has a referral and/or case with CWS. These children may or may not be court dependents.

Resources

The ACF has issued an Information Memorandum ACYF-CB-IM-05-06, to remind States of flexibility in the Title IV-E program that may help them serve vulnerable children and families who have been affected by Hurricane Katrina. A copy of the Memorandum is attached to this ACIN.

The American Public Human Services Association has compiled a list of Katrina related legislation which may be helpful to those working with evacuees. A copy of that list is also attached.

If you have any questions regarding this policy, please contact Nancy Goodman, Manager, Policy Development and Support Unit, at (916) 651-6160. Any questions or problems related to the new Special Project Codes should be directed to Richard Costa of the CMS Support Branch at (916) 654-1086. Questions about the steps to create a CWS/CMS case without a referral should be directed to your CWS/CMS System Support Consultant. See the following website for that individual:

<http://www.hwcws.cahwnet.gov/Contactlist/SSClist.asp>

Sincerely,

MARY L. AULT
Deputy Director
Children and Family Services Division

Attachments

ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES Administration for Children and Families	
	1. Log No.: ACYF-CB-IM-05-06	2. Issuance Date: 9/14/05
	3. Originating Office: Children's Bureau	
	4. Key Words: Title IV-E, Hurricane Katrina	

Information Memorandum

TO: State and Territorial Agencies Administering or Supervising the Administration of title IV-B and title IV-E of the Social Security Act

SUBJECT: Title IV-E and Hurricane Katrina

REFERENCES: Sections 471, 472, 474 and 474 of the Social Security Act; 45 CFR Part 1356.60; Departmental Appeals Board Decision No. 1737

PURPOSE: To remind States of flexibility in the title IV-E program that may help them serve vulnerable children and families who have been affected by Hurricane Katrina.

INFORMATION: In the aftermath of Hurricane Katrina, we want to remind States of the areas in which title IV-E funds may assist them in their efforts to protect and support hurricane victims. The *Child Welfare Policy Manual* (CWPM) provides detailed guidance on allowable costs that States may claim under title IV-E. Below we highlight specific policy areas and allowable costs that may be particularly useful to States that have been affected by the hurricane.

Children at risk of foster care placement

A candidate for foster care is a child who is at serious risk of removal from home as evidenced by the State agency either pursuing his/her removal from the home or making reasonable efforts to prevent such removal (see CWPM at 8.1D).

- States may claim Federal Financial Participation (FFP) for the administrative costs associated with foster care candidates regardless of whether the child is actually placed in foster care and becomes a recipient of title IV-E foster care benefits. However, reimbursement is limited to those individuals the State reasonably views as candidates for foster care maintenance payments.
- States must document that a child is a candidate for foster care through one of the following methods: (1) a defined case plan that

clearly indicates that, absent effective preventive services, foster care is the planned arrangement for the child; (2) an eligibility determination form which has been completed to establish the child's eligibility under title IV-E; or (3) evidence of court proceedings in relation to the removal of the child from the home, in the form of a petition to the court, a court order or a transcript of the court's proceedings.

Recruiting foster care providers

States may need to license or approve new foster family homes to accommodate children displaced by Hurricane Katrina. States should be aware of the following:

- States currently have the flexibility to waive non-safety related licensing requirements to allow foster care placements of children with their relatives. These requirements must be waived on a case-by-case basis (see CWPM at 8.3A.8.c #1).
- States may claim title IV-E administrative costs for items such as beds or cribs to help recruit and approve foster family homes or adoptive homes (see CWPM at 8.1 #3).
- As States attempt to manage the overwhelming effects of Hurricane Katrina, licenses for foster homes and child-care institutions may lapse. If a foster family home or child-care institution is licensed for a portion of a month, the State may claim FFP for the entire month when an otherwise eligible child has resided in that home or institution for the entire month. The State must prorate any claims when the otherwise eligible child has resided in the home or institution for a portion of the month (see CWPM at 8.1C #4).

Meeting children's needs in foster care maintenance payments

- States may claim transportation costs for reasonable travel to a child's home or other location for visitation. These costs may be claimed as a foster care maintenance payment (see CWPM at 8.3B.1 #4).
- Foster care maintenance payments to providers can include an allowance for the child's personal incidentals such as: items related to personal hygiene; cosmetics; over-the-counter medications and special dietary foods; infant and toddler supplies, including high chairs and diapers; and fees related to activities (see CWPM at 8.3B.1 #9).

Providing the match for Federal funds

States may claim FFP for allowable title IV-E costs paid with funds donated to support specific activities (see CWPM at 8.1F #3). The following conditions must be met if a State wishes to use donated funds to meet Federal cost-sharing requirements:

- The donated funds must be used to pay for allowable title IV-E expenditures.
- The donor may specify the activities to be supported with its donations but cannot be a sponsor or operator of a program that provides such activities.
- The donor may specify the geographic area in which the activity is to be provided.

Case review requirements

Areas that have been affected by Hurricane Katrina may not have court systems that are fully functioning. Although periodic reviews and permanency hearings are important protections for children in foster care, we remind States that neither is a title IV-E eligibility requirement and therefore, delays in conducting these activities will not adversely affect a child's eligibility for title IV-E.

Judicial determinations

States also may establish alternative procedures for obtaining judicial determinations regarding contrary to the welfare and reasonable efforts, including reasonable efforts to achieve permanency, as there is no Federal requirement that these determinations be made at a court hearing. These judicial determinations are required to establish a child's eligibility for title IV-E.

Federal oversight

Further, in conducting Child and Family Services Reviews, title IV-E eligibility reviews and other oversight activities in the future, ACF will be cognizant of the extraordinary demands that this natural disaster has placed on many States.

Inquiries to: ACF Regional Offices

/s/

Wade F. Horn, Ph.D.
Assistant Secretary
for Children and Families



Katrina-Related Legislation

9-14-05

Bill #	Sponsor	Title and Summary	Status
MEDICAID			
H.R. 3671	Rep. Gene Green (D-Tex.)	<ul style="list-style-type: none"> Provides 100% Federal Medicaid Assistance Percentage (FMAP) to states providing medical assistance to evacuees. 	Introduced 9-7-05 Referred to Energy and Commerce Committee
H.R. 3708	Rep. Eddie Johnson (D-Tex.)	<p>Hurricane Katrina Mental Health Relief Act of 2005</p> <ul style="list-style-type: none"> Provides states 10% of Hurricane Katrina disaster relief funds for mental health services to cover the state share of Medicaid and SCHIP costs for these services. Provides states 10% of Hurricane Katrina disaster relief funds, without cost-sharing, for reimbursement of mental health professionals for outpatient mental health treatment and appropriate prescription medications. 	Introduced 9-8-05 Referred to Energy and Commerce, Transportation and Infrastructure committees
H.R. 3698	Rep. John Dingell (D-Mich.)	<p>Temporary Medicaid Disaster Relief Act of 2005</p> <ul style="list-style-type: none"> Holds states providing medical assistance to evacuees harmless, if they relied solely on the CMS web site's list of federal disaster parishes and counties, if it is later determined that the assistance provided was in error. Provides uniform eligibility rules, to include no income, resources, residency or categorical eligibility requirements. Includes a common one-page application developed by HHS in consultation with APHSA's affiliate, the National Association of State Medicaid Directors (NASMD). Provides for determination of eligibility for coverage after the termination of the disaster 	Introduced 9-8-05 Referred to Energy and Commerce, Ways and Means committees

		<p>relief period; states provide evacuees written notice of determination and eligibility so long as the individual remains eligible.</p> <ul style="list-style-type: none"> Increases the federal match rate to 100% for states that provide medical assistance to evacuees. Provides 100% federal match for certain administrative costs such as verification status of evacuees, processing claims, and recovery costs. Temporarily suspends the Medicare "clawback" and postpone the cutoff of Medicaid prescription drug funding in affected states. Limits the reduction of a state's FY 2006 FMAP from FY 2005 FMAP for Medicaid. Extension of initial enrollment for evacuees for Medicare Part D (MMA) to remain open until May 15, 2007. Provides evacuees flexibility in documentation rules to take into account loss and unavailability of documents due to the disaster for low-income subsidy application for Medicare Part D (MMA). 	
S. 1688	Sen. Kay Bailey Hutchinson (R-Tex.)	<p>Hurricane Katrina Medicaid and SCHIP Relief Act of 2005</p> <ul style="list-style-type: none"> Provides 100% federal financial assistance to states for Medicaid and SCHIP program to evacuees and Medicare beneficiaries who survived Katrina. Uniform eligibility rules; no resource, income, categorical eligibility requirements; streamlined eligibility process. 	<p>Introduced 9-12-05 Placed on Senate Legislative Calendar under General Orders, Calendar No. 210</p>
S Amdt. 1652	Sen. Blanche Lincoln (D-Ark.)	<p>Temporary Medicaid Disaster Relief Act of 2005</p> <ul style="list-style-type: none"> Temporarily waives Part B and Part D late-enrollment penalties under Medicare and relax the income and assets test for the Part D low-income subsidy application. Makes all displaced persons below the federal poverty level eligible for Medicaid and provides full federal match for Medicaid and SCHIP in Alabama, Louisiana, and Mississippi, and for displaced individuals from those three states. Provides immediate access to Medicaid for displaced individuals by waiving normal documentation and eligibility requirements and streamlining other application requirements. Temporary extends federal funding of Medicaid drug benefits for dually eligible beneficiaries; they will switch drug coverage from Medicaid to Medicare on January 1, 2006. Transition to Medicare drug coverage would be delayed. 	<p>Introduced 9-8-05 Considered in Senate</p>
S. 1637	Sen. Harry Reid (D-Nev.)	<p>Katrina Emergency Relief Act of 2005</p> <ul style="list-style-type: none"> Authorizes disaster emergency Medicaid to ensure that low-income evacuees from Louisiana, Mississippi, and Alabama are eligible for medical assistance in any state. Authorizes a simplified application and streamlined process for hurricane survivors. 	<p>Introduced 9-8-05 Referred to Committee on Finance</p>

		<ul style="list-style-type: none"> • Provides uniform eligibility rules, including common one-page application developed by HHS in consultation with NASMD. • Guarantees drug coverage for Medicare-eligible individuals and temporary suspension of the MMA clawback provision. • Provides states affected by Hurricane Katrina with temporary financing. • Provides adequate federal financing of 100% FMAP for services to low-income evacuees and any administrative costs incurred as a result of the bill's provisions. Provides FY 2005 FMAP rates for any state scheduled for an FMAP reduction for FY 2006. 	
TANF			
H.R. 3672	Rep. Jim McCrery (R-La.)	<p>TANF Emergency Response and Recovery Act of 2005</p> <p>Section 2 -- Advance Payment of TANF Block Grant for First Quarter of FY 2006</p> <ul style="list-style-type: none"> • Makes advance payments of the first quarter FY 2006 TANF block grant available to states as soon as practicable after enactment • Extends TANF funding beyond the current September 30 expiration date to December 31, 2005 • Extends authorization for the supplemental grants to states, the Child Care and Development Block Grant, and the TANF contingency fund through December 31, 2005 • Extends HHS authority to approve child welfare waiver demonstrations through December 31, 2005 • Extends the time for HHS to conduct the National Random Sample Study of Child Welfare to December 31, 2005 <p>Section 3 -- Reimbursement of States for TANF Benefits Provided to Assist Families From Other States Affected by Hurricane Katrina</p> <ul style="list-style-type: none"> • Reimburses states for TANF benefits provided to assist families from other states affected by the Hurricane Katrina • Payments made on a monthly basis, as provided under the contingency fund rules • Allows states serving evacuees to draw down payment from the contingency fund by changing the definition of needy states • New needy state definition includes states that are providing short-term, non-recurring benefits to a family who resided in another state with areas that have been declared a disaster area, and who has traveled to the state from another state as a result of the hurricane. • Allows the three states directly impacted by the hurricane to draw down contingency funds if 	Passed House 9-8-05

		<p>someone moves among them (for example, if a family moves from Mississippi to Louisiana or from Louisiana to Alabama).</p> <ul style="list-style-type: none"> For reimbursement under the contingency fund, a host state must determine that the evacuated families are not receiving cash benefits from any other state <p>Section 4 – Availability of Additional TANF Funds for Hurricane-Damaged States</p> <ul style="list-style-type: none"> Allows hurricane-damaged states to apply for grants starting on the date of enactment Provides grants for up to a 20 percent increase in TANF funds for the three states directly impacted by the hurricane <p>Section 5 – Availability of Unspent TANF Funds to Provide Benefits and Services to Support Needy Families Affected by Hurricane Katrina</p> <ul style="list-style-type: none"> Allows states to use TANF funds for any fiscal year to provide any benefits or services under the state program to families affected by the hurricane. <p>Section 6 – Work Requirements and Time Limits Under TANF Program Not Triggered by Receipt of Temporary TANF Benefits by Families Affected by Hurricane Katrina</p> <ul style="list-style-type: none"> Short-term, nonrecurring benefits will not be considered as assistance for families affected by Hurricane Katrina, beginning from enactment to the end of FY 2006 <p>Section 7 – Waiver of TANF Penalties in Hurricane-Damaged States</p> <ul style="list-style-type: none"> Waives certain TANF penalties in hurricane-damaged states The secretary of HHS shall not impose penalties on the three states directly impacted throughout FY 2006 for failure to meet certain requirements, including submitting required reports, satisfying work participation rates, participating in the income and eligibility verification system, and establishing paternity 	
CHILD WELFARE			
H.R. 3711	Jim McDermott (D-Wash.)	<p>Emergency Action for Vulnerable Children Act</p> <ul style="list-style-type: none"> Provides federal funds for all IV-E and non-IV-E children in foster care who currently reside or resided in an area declared a disaster area due to Hurricane Katrina. Provides full federal reimbursement on a quarterly basis for a 12-month period beginning in September 2005 for a state's total expenditures on children from affected areas for: <ul style="list-style-type: none"> Maintenance payments for children in foster homes or institutions; Child placement services; 	Introduced 9-8-05; referred to Ways and Means Committee

		<ul style="list-style-type: none"> Administrative costs; and Service that seek to improve the well-being of the child. 	
CHILD CARE			
S. 1637	Sen. Harry Reid (D-Nev.)	<p>Katrina Emergency Relief Act of 2005</p> <p>Title 2 – Education</p> <p>Subtitle B – Fund for Early Childhood Care and Education</p> <ul style="list-style-type: none"> Directs the secretary of HHS to award grants to states demonstrating large influxes of children displaced by the hurricane in order to provide early childhood education services. To receive a grant, states must submit applications that contain a description of the collaborative planning process between the state agency responsible for pre-kindergarten, the state child care administrator, and the Head Start collaboration director to facilitate the placement of evacuee children in early childhood education programs and a plan to coordinate grant funds with existing resources available to the early childhood education programs for similar purposes. States would award sub grants to local communities where there is a significant proportion of, and more than 200, pre-school aged children that were displaced by the hurricane. Sub grants could be used for acquisition or rental of space, hiring additional personnel, or other costs associated with providing early education services to evacuee children. 	Introduced 9-8-05; referred to Finance Committee
FOOD STAMPS			
S. 1643	Sen. Tom Harkin (D-Iowa)	<p>Hurricane Katrina Food Assistance Relief Act of 2005</p> <ul style="list-style-type: none"> Extends several disaster policies already issued by USDA, including classifying displaced households as expedited and waiving work requirements and certain household composition rules, for a period not to exceed the end of FY 2006. Changes other procedures and rules for households who live in the disaster areas, who have lost jobs in the disaster area, and who have relocated from the disaster area to other parts of the country— <ul style="list-style-type: none"> -streamlines application procedures; -increases disaster allotments by 10 percent; -increases gross income limits and liberalize resource rules, including the excludes of all vehicles owned by disaster survivors. Federal government pays 100 percent of all administrative costs rather than requiring state match as at present (however, payment would still be subject to cost-allocation reductions); 	Reintroduced 9-14-05; referred to Agriculture Committee

		<ul style="list-style-type: none"> • Holds states harmless from all QC errors in disaster cases; • Waives all claims for inaccurate issuances to affected households except in cases of fraud • USDA to work with states to eliminate duplication between households initially certified for food stamps in their home state that are then relocated to a different state • Provides \$5 million to non-profits for outreach and education • Provides other nutrition program funding— <ul style="list-style-type: none"> - \$200 million, The Emergency Food Assistance Program (TEFAP) - \$200 million, bulk commodities using Section 32 authority - \$20 million, Commodity Supplemental Food Program - \$200 million, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). 	
S. 1637	Sen. Harry Reid (D-Nev.)	<p>Katrina Emergency Relief Act of 2005</p> <ul style="list-style-type: none"> • Authorizes expedited emergency food stamps to households in the disaster areas • States may increase disaster benefits by 6 percent • Federal funds will cover 100 percent of administrative costs • Normal separate household restrictions are waived for affected households • Disaster cases will be exempt from the QC sample • USDA will take prudent steps to prevent duplicate participation, but claims will not be established against households except in cases of intentional fraud • Provides \$5 million to nonprofits for outreach activities to affected households • Provides other nutrition program funding— <ul style="list-style-type: none"> - \$200 million, The Emergency Food Assistance Program (TEFAP) - \$200 million, bulk commodities using Section 32 authority - \$200 million, WIC. 	Introduced 9-8-05; referred to Finance Committee